

Appl. No. : 10/824,766
Filed : April 13, 2004

REMARKS

Please reconsider the above-captioned application in view of the foregoing amendments and the following remarks.

Claims 26-32 Are Not Anticipated by Gilliom et al.

Claims 26-32 have been rejected as anticipated by Gilliom et al. Applicant disagrees with the basis of the rejection but has amended the claim in a manner that more clearly defines an aspect of the illustrated embodiment of the invention that is not disclosed by Gilliom et al.

Claim 26 now recites that at least a portion of a wall that separates the combustion box from the oven cavity is not insulated. As explained, one aspect of the present invention involves creating an oven that can be used either in "true convention" mode or, when the fan is not operating, in standard "bake" mode. Thus, in order to provide a "bake" mode, heat from combustion must be able to pass from the combustion box into the oven cavity without the fan operating. To allow such a passage of heat, at least a portion of the wall separating the oven cavity from the combustion box is not insulated in the illustrated embodiment of Figure 3.

To the contrary, Gilliom et al. has insulated the combustion box such that the combustion box is entirely isolated from direct heat exchange with the oven cavity. This is clearly shown in Figure 2. Moreover, the insulation is discussed, for instance, at Col. 3, lines 57-60. Thus, not only did Gilliom et al. disclose the recited construction, Gilliom et al. actually taught away from the recited construction.

For at least this reason, Claim 26 is not anticipated by Gilliom et al. Dependent Claims 27-32 depend from Claim 26 and are patentable for at least the same reasons that Claim 26 is patentable. Moreover, at least some of these dependent claims recite further patentable distinctions. For instance, Claim 28 recites openings formed in a bottom wall of the oven separating the oven cavity from the combustion box. Claim 29 recites a bottom wall of the combustion box that has a rearward upward slope. Claim 30 recites that the combustion box has a plurality of air inlet holes. For at least these reasons, Claims 27-32 are not anticipated.

CONCLUSION

For the foregoing reasons, it is respectfully submitted that the rejections set forth in the outstanding Office Action are inapplicable to the present claims. Accordingly, issuance of a Notice of Allowance is most earnestly solicited.

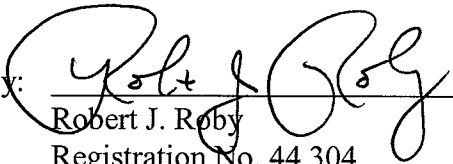
Appl. No. : 10/824,766
Filed : April 13, 2004

The undersigned has made a good faith effort to respond to all of the rejections in the case and to place the claims in condition for immediate allowance. Nevertheless, if any undeveloped issues remain or if any issues require clarification, the Examiner is respectfully requested to call Applicant's attorney in order to resolve such issue promptly. Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: 10.23.2006

By: 
Robert J. Roby
Registration No. 44,304
Attorney of Record
Customer No. 20,995
(949) 760-0404

2953232
092106